

MINUTES

INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

DECEMBER 3, 2008

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Welp called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Ralph Welp, D.V.M. – Chairman
Dawn Frank, D.V.M. – Vice Chairman
Richard Headley, D.V.M.
Patricia Kovach, D.V.M.
Robin Waltz, D.V.M.
James Scott, D.V.M., Board of Animal Health
Susan Pedigo, R.V.T.

Board Members Absent:

Frank Andrew, Consumer Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Phillip Thompson, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

FRANK/KOVACH
Motion carried 5-0-0
Dr. Waltz was not present

III. ADOPTION OF THE MINUTES FROM THE OCTOBER 29, 2008 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes from the October 29, 2008 meeting of the Board.

FRANK/KOVACH
Motion carried 5-0-0
Dr. Waltz was not present

IV. APPEARANCES

A. RENEWAL

There were no renewal appearances

B. PROBATIONARY

1. Rachel Clark, D.V.M., License No. 24003461A
Administrative Cause No. 96 VB 007

Dr. Clark appeared before the Board, as requested, regarding her ongoing probationary status. She advised she has not found a job yet and feels that her reputation has been damaged too badly. She stated she cannot even find a veterinarian who will let her work for him for free and that she has past clients who are awaiting her return to practice. Dr. Clark said she has been seeing a counselor and when the Board explained they are not getting monthly reports she told them she has requested her counselor send them. The Board advised her to call her counselor daily until the report has been sent because it is her responsibility to see this is done. Dr. Clark submitted the name of a prescription she is currently taking. Dr. Clark asked the Board if she can counsel people with regards to animal training and behavior. Although the Board recognizes that there are animal trainers who are not veterinarians they feel in Dr. Clark's case it could be considered the practice of veterinary medicine. She was advised that if this is something she wants to pursue she needs to petition the Board for a hearing to modify the terms of her probation order so the Board can more clearly define what is acceptable. Dr. Clark was told to make sure the Board had her counselor's report by the next meeting.

2. Todd Cooney, D.V.M., License No. 24004650A
Administrative Cause No. 2006 VB 0007

Dr. Cooney appeared before the Board, as requested, regarding his ongoing probationary status. He advised things are going well with his practice and his DEA registration was reinstated in August. He explained he has signed an agreement with the DEA until June 2011 and he will supply the Board with a copy of that agreement. The Board noted he is in compliance with their order but alerted him to the fact that his reports are not coming in on time and to make sure that gets corrected with his counselor. He advised he is taking a course in homeopathic medicine because it is an area he is interested in. The Board has scheduled his next appearance for March 25, 2009.

C. APPLICATIONS

1. Gerald Duane Smith, D.V.M.

Dr. Smith appeared before the Board, as requested, regarding his application for veterinary licensure. Dr. Smith is a 1977 graduate of Kansas State University and has taken and passed the NBE examination. He is currently licensed in the states of Kansas and Missouri. He took and passed a state constructed examination in the state of Kansas. On his application he answered "yes" to question #4 asking, "Are you now being, or have you ever been treated for drug or alcohol abuse?" He also answered "yes" to question #5b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained in 1996 he contacted a licensed mental health practitioner for advice and treatment of alcohol abuse. He followed all of the treatment recommendations and has been sober for 12 years and continues to participate in AA two to three times a week. In August of 1974 Dr. Smith plead guilty and paid a fine for driving under the influence of alcohol in Routt County, Colorado. Dr. Smith is currently working for Eli Lilly as a laboratory animal veterinarian and told the Board some of his duties may be expanding which will require the need for an Indiana license. The Board noted that he has only taken the NBE because the CCT was not available at that time.

Board Action: A motion was made and seconded to grant Dr. Smith an Indiana veterinary license upon passing the law exam.

FRANK/HEADLEY
Motion carried 6-0-0

V. ADMINISTRATIVE HEARING

There were no administrative hearings scheduled.

VI. SETTLEMENT AGREEMENTS

There were no settlement agreements.

VII. NOTICE OF PROPOSED DEFAULT

There was no Notice of Proposed Default before the Board.

VIII. DISCUSSION

A. National Board of Veterinary Medical Examiners

Re: Information from the American Association of Veterinary State Board's Meeting in September 2008

The Board took notice of the handout from the AAVSB meeting that took place in September. Of special note was the information on the NAVLE approval process. A proposal is being discussed which would eliminate the licensing board application and approval. Instead candidates would apply directly to the NBVME to take the NAVLE and then would apply to the state board upon passing for licensure.

B. Indiana Veterinary Medical Association

Dr. Schnarr appeared before the Board regarding the speakers he had requested to speak to the Board about addiction and treatment of addicts with regards to the impaired veterinarian program. Dr. Schnarr was unsure why the speakers were not present at the meeting and asked to reschedule the informative discussion until the January meeting.

IX. APPLICATION REVIEW

A. Endorsement

There were no endorsement applications for the Board to review.

B. Examination

There were no examination applications for the Board to review.

C. North American Veterinary Licensing Examination (NAVLE)

There were no NAVLE applications for the Board to review

D. Professional Corporation

There were no professional corporation applications for the Board to review

X. PROBATIONARY REPORT

There were no probationary reports.

XI. CONTINUING EDUCATION

- A. VCA Northwood Animal Hospital**
Management of the Traumatized Cat
Anderson, Indiana
Hours Granted: 1
- B. Cincinnati Animal Referral and Emergency Center**
Pulmonary Hypertension
Cincinnati, Ohio
November 11, 2008
Hours Granted: 2
- C. College Mall Veterinary Hospital and Monroe County Veterinary Association**
Maximizing Radiographic Technique
Bloomington, Indiana
December 4, 2008
Hours Granted: 4

XII. REPORTS

A. Consumer Complaints

Dr. Waltz advised she has reviewed approximately five (5) complaints and all but one (1) was recommended to close.

B. Controlled Substances Advisory Committee- Dr. Kovach

Dr. Kovach advised that a low cost spay/neuter clinic in Noblesville and the FACE spay/neuter clinic in Indianapolis have both applied for a facility CSR. CSAC is requesting both groups make a personal appearance. Dr. Kovach also said there was discussion regarding the Noblesville clinic and the fact they are referring to assistant staff as technicians but they are not registered veterinary technicians. There is also discussion about if and how they should be allowed to handle controlled substances. The question for FACE is, "why are they just now applying for a CSR when they have been in business for ten years?" Ms. Vaught had some questions about why they are applying for facility CSR's and told Dr. Kovach she was going to look at the law and speak the CSAC Board Director about these applications. The Board discussed this and failed to see how these clinics are different then a veterinary hospital or practice in which case each veterinarian should have a CSR not the facility.

C. State Veterinarian's Report

- Dr. Scott appeared on behalf of Dr. Marsh. He reported that one of the reasons Dr. Marsh was not able to be present for the meeting today was

that there is an active bovine TB case in a herd in Southeastern Indiana. The rest of the herd is scheduled to be tested next week and it seems to be a closed herd. He stated DNR has been contacted to increase their surveillance of deer because this in an area heavily populated by deer. They are currently trying to trace it back to see where it came from because Indiana has had a TB free status since 1984.

- The Beef Congress is meeting this week and they are being given the opportunity to participate in a pilot program for radio frequency tags to see how well they perform.
- BOAH participated in a two day mock avian influenza eradication program in Southern Indiana which was very successful.

XIII. OLD/NEW BUSINESS

- A. Dr. Waltz asked about the status of Pet Med Express' license in Indiana. Ms. Vaught explained they are still licensed in Indiana and they have obtained an injunction for their suspension in Oklahoma.
- B. Ms. Vaught informed the Board that a complaint was filed with the Attorney General's Office about Indiana Horse Rescue.
- C. Ms. Vaught advised the Board that she has received information that John Stephan, D.V.M. who's veterinary license was suspended due to non-compliance with the continuing education audit has continued to practice as a veterinarian despite his suspended status. Based upon the certified mailings he has signed for all orders issued. He has not informed the Board of a new practice address if he has moved recently.

Board Action: A motion was made and seconded to file a complaint with the Attorney General's Office for further investigation.

FRANK/WALTZ
Motion carried 6-0-0

- D. The Indiana Business College's veterinary technology program was just granted provisional accreditation.
- E. The deadline for the January 16, 2009 administration of the VTNE is December 8, 2008. As of this date there are 85 candidates. Ms. Pedigo advised she will attend the examination.
- F. The Notice of Intent has been filed for modification of the language for fixed practice and the deletion of the vet-client-patient relationship from the rule. The changes were mandated by the 2008 Legislative Session. We hope to have the rule hearing scheduled by March 25, 2009.
- G. Ms. Vaught alerted the Board that the NBVME has an outreach program and they will be sending speakers to address the Board in May to talk about NAVLE and other items.

XIV. OTHER ITEMS FOR CONSIDERATION

There were no other items for consideration.

XV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Veterinary Medical Examiners adjourned at 11:00 a.m.

Ralph H. Welp, D.V.M.
Ralph Welp, D.V.M., Chairman

7 - 29 - 09
Date

Dawn Frank
Dawn Frank, D.V.M., Vice Chairman

7.29.09
Date